

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8224 OF 2007

Tukaram Sudhakar Zaware .. Petitioner

Versus

Mrs.Sangeeta Tukaram Zaware .. Respondent

Mr.P.J.Pawar for petitioner.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19th November 2007

P.C.

. The order under challenge is dated 16th October 2007 upon a petition bearing Civil Misc.Application No.86 of 2007. That application is preferred by respondent wife on the basis that the petitioner husband has married after ex-parte

decree has been passed in his favour dissolving the marriage, which decree is sought to be set aside by her by filing an application in that behalf. During pendency of such an application, she moved the Principal Judge, Family Court Mumbai for a relief that the petitioner husband should be restrained from using and/or acting upon marriage certificate issued by the Marriage Officer Pune on 10th August 2007.

2. Upon a perusal of the impugned order, although, I am not satisfied with the manner in which the same has been passed and also without mentioning the source of the power to grant such a relief, in my view, at this stage, no prejudice is established by the impugned order. The petitioner apprehends that the application which is moved for setting aside the ex parte order may not be pursued by the respondent wife as a stay in the above terms has been granted by the family court.

3. I see no reasonable basis for such an apprehension. More so, when the wife would definitely be interested in pursuing her own application. Even otherwise, Mr.Pawar states that the matter is fixed on 26th November 2007 by the family court. In my view, interest of justice would be sufficiently protected if the family court Mumbai is directed to decide the Application No.86 of 2007 in M.J.Petition A-660/06 as expeditiously as possible and within a period of four weeks from the date of appearance of the parties before it. All contentions of both sides are expressly kept open.

4. Needless to state that family court shall not be influenced by any observations in the order dated 16th October 2007 nor its prima facie conclusions. Petition disposed of.

(S.C.Dharmadhikari, J)